

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.629 of 2018

Arising Out of PS. Case No.-24 Year-2016 Thana- IMAMGANJ District- Gaya

Md. Aano Khan @ Aano Khan, S/o Nuruddin Haidar Khan, R/o Village-
Malhari, P.S.- Imamganj, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 04-05-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail by the learned Exclusive Special Court (Special Judge) (SC/ST Act), Gaya in Gaya SC/ST S.Tr. No. 141 of 2016, arising out of Imamganj P.S. Case No. 24 of 2016 registered under Sections 302/34 of the Indian Penal Code, 27 Arms Act as well as under Section 3 (2)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellant submits that 5 prosecution witnesses have already been examined during trial including the doctor. None of the witnesses of the occurrence have deposed that any of them is an eye-witness of the occurrence. The appellant is in custody since 08.072016.



Learned counsel for the State opposes the prayer on the ground that the prayer of co-accused Nasimuddin Khan was refused by coordinate Bench of this Court vide Cr. Appeal (SJ) 722 of 2016 on 27.10.2016 with direction to the learned Trial Judge to expedite the trial.

Considering the fate of the trial and the evidence that came during course of trial as already discussed above. There is no reason to detain the appellant further more as under trial prisoner.

Considering the aforesaid facts, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and appeal stands allowed.

(Birendra Kumar, J)

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